



ATTORNEY DOCKET NO. 21108.0043U2  
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
David J. Topham ) Art Unit: 1648  
Application No. 10/589,152 ) Examiner: Louise W. Humphrey  
Filing Date: May 31, 2007 ) Confirmation No. 5681  
For: METHODS OF EVALUATING )  
EFFICACY OF AN IMMUNE RESPONSE BY )  
ASSESSING ALPHA-1 INTEGRIN )  
EXPRESSION )

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BALLARD SPAHR ANDREWS &  
INGERSOLL, LLP  
Customer Number 23859

Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, Applicants now submit a list of documents known to Applicants or Applicants' attorneys. In view of the Federal Circuit Court of Appeals' decision in *McKesson Information Solutions, Inc. v. Bridge Medical Inc.*, 487 F.3d 897 (Fed. Cir. 2007), Applicants also provide a list of documents from the prosecution of foreign and U.S. patent applications.

Applicants have not included copies of cited U.S. patents or published U.S. patent applications. But, pursuant to 37 C.F.R. § 1.98(a)(2)(iv), and for the Examiner's review, Applicants have enclosed copies of the following: (1) cited foreign patents, (2) non-patent publications, and (3) documents from the prosecution of foreign and U.S. patent applications.

Regarding category (3), documents from the prosecution of foreign and U.S. patent applications, Applicants note that 37 C.F.R. § 1.98(b) does not mention, and thus does not require, that Applicants must provide any particular set of identifying information. While 37

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C.F.R. § 1.98(a)(1) requires Applicants to provide a list of such documents, it does not require Applicants to include in that list specific identifying information. 37 C.F.R. § 1.98(a)(2)(iv) further requires Applicants to provide a copy of such documents (see APPENDIX A). Thus, the rules do not require that Applicants provide any particular set of information about the documents in category (3) prior to the Examiner's consideration of all the cited information. Nevertheless, in order to be as helpful as possible, Applicants have provided (a) information regarding the source of the documents, and (b) a title or description of each document. The prosecution record of either a foreign patent application or a U.S. patent application is the source for each document. Accordingly, in the list required by 37 C.F.R. § 1.98(a)(1), Applicants have provided information about the source of each document. The information provided mirrors the requirements for cited foreign patent applications and U.S. patent applications as set forth by 37 C.F.R. § 1.98(b). For at least these reasons, Applicants respectfully request the consideration of all documents submitted in the present Information Disclosure Statement, and making the same of record in the prosecution of this application (U.S. Patent Application No. 11/823,075).

Applicants submit for the Examiner's consideration, copies of Office Actions, Amendments, Responses, and other correspondence from the prosecution of the following patent applications.

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APPLICATIONS FOR WHICH PROSECUTION DOCUMENTS ARE PROVIDED IN APPENDIX A						
Initials	No. Cited	Patent Application #	Filing Date	Country Code	First Inventor	Applicant
	1	2558670	8/16/2006	CA	Topham	UNIVERSITY OF ROCHESTER
	2	05756203.5	8/14/2006	EP	Topham	UNIVERSITY OF ROCHESTER
	3	PCT/US05/04900	2/16/2005	PCT	Topham	UNIVERSITY OF ROCHESTER
	4	60/545,559	2/17/2004	US	Topham	UNIVERSITY OF ROCHESTER

Pursuant to 37 C.F.R. § 1.98(a)(2)(iv), Applicants have enclosed a copies of each document. APPENDIX A lists these documents, provides identifying information, and includes a column for the Examiner's initials. Applicants submit for the Examiner's consideration, copies of Office Actions, Amendments, Responses, and other correspondence from the prosecution of the following foreign patent applications. Pursuant to 37 C.F.R. § 1.98(a)(2)(iv), Applicants have enclosed a copy of each document. APPENDIX A lists these documents, provides identifying information, and includes a column for the Examiner's initials.

This Information Disclosure Statement is believed to be filed in a timely manner pursuant to 37 C.F.R. § 1.97(b)(3), in that a first Office Action on the merits of the present patent application has not yet been mailed to Applicants.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application are respectfully requested.

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No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

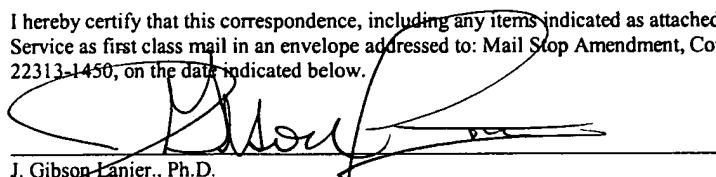


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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



J. Gibson Lanier, Ph.D.

Date

12/17/08



## ATTENTION!!! ATTENTION!!! ATTENTION!!!

The attached document is provided as part of **APPENDIX A**, which is included as part of an **Information Disclosure Statement** for the following U.S. patent application.

**Application No.:** 10/589,152  
**Int'l. Filing Date:** 2/16/2005  
**For:** **METHODS OF EVALUATING EFFICACY  
OF AN IMMUNE RESPONSE BY  
ASSESSING ALPHA-1 INTEGRIN  
EXPRESSION**  
**1<sup>st</sup> Inventor:** TOPHAM  
**Confirmation No.:** 5681  
**Art Unit:** 1648  
**Examiner:** Louise W. Humphrey  
**Attorney Docket No.:** 21108.0043U2

- This document is a COPY of the original prosecution document from a U.S. application
- This document is NOT being submitted as a separate or original filing
- Please DO NOT RECORD or FILE this document in the Application identified therein, and please do not charge any fees associated therewith
- This document is being submitted SOLELY as part of an INFORMATION DISCLOSURE STATEMENT for APPLICATION NO. 10/589,152.